

1 MICHAEL A. JACOBS (CA SBN 111664)  
2 MJacobs@mofo.com  
3 ARTURO J. GONZÁLEZ (CA SBN 121490)  
AGonzalez@mofo.com  
3 MORRISON & FOERSTER LLP  
4 425 Market Street  
San Francisco, California 94105-2482  
Tel: 415.268.7000 / Fax: 415.268.7522

5 KAREN L. DUNN (*Pro Hac Vice*)  
6 kdunn@bsflp.com  
7 HAMISH P.M. HUME (*Pro Hac Vice*)  
hhume@bsflp.com  
8 BOIES SCHILLER FLEXNER LLP  
1401 New York Avenue, N.W.  
Washington DC 20005  
9 Tel: 202.237.2727 / Fax: 202.237.6131

10 WILLIAM CARMODY (*Pro Hac Vice*)  
bcarmody@susmangodfrey.com  
11 SHAWN RABIN (*Pro Hac Vice*)  
srabin@susmangodfrey.com  
12 SUSMAN GODFREY LLP  
13 1301 Avenue of the Americas, 32nd Floor  
New York, NY 10019-6023  
14 Tel: 212.336.8330 / Fax: 212.336.8340

15 Attorneys for Defendants  
16 UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 WAYMO LLC,  
21 Plaintiff,  
22 v.  
23 UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING  
24 LLC,  
25 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF SYLVIA RIVERA  
IN SUPPORT OF UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S OPPOSITION TO  
WAYMO'S SUPPLEMENTAL BRIEF IN  
SUPPORT OF WAYMO'S MOTION *IN  
LIMINE* NO. 4 TO EXCLUDE  
EVIDENCE OF UBER'S SEARCH FOR  
THE DOWNLOADED FILES**

26 Trial Date: December 4, 2017

1 I, Sylvia Rivera, declare as follows:

2       1. I am a member of the bar of the State of California and a partner with  
3 Morrison & Foerster LLP, counsel of record for Defendants Uber Technologies, Inc. and  
4 Ottomotto LLC (collectively “Uber”) in this action. I am admitted to practice before this Court. I  
5 submit this declaration in support of Uber Technologies, Inc. and Ottomotto LLC’s Opposition to  
6 Waymo’s Supplemental Brief in Support of Waymo’s Motion *In Limine* No. 4 to Exclude  
7 Evidence of Uber’s Search for the Downloaded Files. I make this declaration based on personal  
8 knowledge. If called as a witness, I could and would testify competently to the matters set forth  
9 herein.

10       2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the  
11 September 28, 2017 deposition of Kevin Faulkner.

12       3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from Waymo’s  
13 Responses and Objections to Defendants’ Third Set of Requests for Admission, dated  
14 August 21, 2017.

15       4. Attached here to as Exhibit 3 is a true and correct copy of Waymo’s Supplemental  
16 Responses and Objections to Defendants’ Third Set of Requests for Admission (No. 20), dated  
17 August 30, 2017.

18       5. Attached hereto as Exhibit 4 is a true and correct copy of Waymo’s Supplemental  
19 Responses and Objections to Uber’s Eighth Set of Interrogatories (No. 29), dated  
20 September 19, 2017.

21       6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the  
22 October 3, 2017 deposition of Paul French.

23       //

24       //

25       //

26       //

27       //

28       //

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the September 7, 2017 Expert Report of Kevin Faulkner.

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
25th day of October, 2017 at Los Angeles, California.

/s/ *Sylvia Rivera*  
Sylvia Rivera

## **ATTESTATION OF E-FILED SIGNATURE**

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Sylvia Rivera has concurred in this filing.

Dated: October 25, 2017

/s/ Arturo J. González